

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 395 – SB 558**

March 7, 2011

**SUMMARY OF AMENDMENT (004546):** Deletes the original bill. Codifies the procedure by which the Tennessee Peace Officer Standards and Training (POST) Commission may issue Tennessee firearm carry certifications to retired law enforcement officers. Requires the officer to have fingerprints taken by the sheriff's office located in the officer's county of residence. Permits the sheriff's office to charge a fingerprint fee up to \$6. Codifies the procedure the sheriff's office must follow for the fingerprint application process. Requires POST, upon receipt of the fingerprints from the sheriff's office, to send them and the application to the Tennessee Bureau of Investigation (TBI). Requires the TBI to conduct specified background searches within 30 days from receipt of the fingerprints. Requires TBI to send one set of fingerprints to the Federal Bureau of Investigation for a criminal history record check, and to forward all of the results to POST. Requires POST to deny the application if the officer does not meet eligibility requirements. Increases, from annually to every four years, the time period of recertification for retired law enforcement officers who desire to carry firearms in Tennessee.

**FISCAL IMPACT OF ORIGINAL BILL:**

NOT SIGNIFICANT

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue – \$20,900/Peace Officer Standards Training Commission**

**\$17,300/TBI**

**Increase State Expenditures - \$20,900/Peace Officer Standards Training Commission**

**\$17,300/TBI**

**Increase Local Revenue - \$2,200**

Assumptions applied to amendment:

- According to the Department of Commerce and Insurance, Peace Officer Standards Training (POST) Commission, the Commission is not currently collecting fee revenue from retired law enforcement officers for one-year recertifications because the program was suspended for failure to comply with federal certification process standards.

**HB 395 – SB 558**

- The POST Commission reestablishes the recertification program for retired law enforcement officers who desire to carry firearms in Tennessee.
- Pursuant to Tenn. Code Ann. § 38-8-116(e), the POST Commission is currently authorized to establish and charge fees sufficient to cover expenditures associated with the recertification program.
- Based on information provided by the POST Commission, there will be approximately 360 applicants per year.
- The POST Commission will charge a \$58 recertification fee.
- The recurring increase in fee revenue to the POST Commission will be \$20,880 (360 applicants x \$58 fee).
- The POST Commission will pay \$48 of the \$58 fee per applicant to TBI for conducting background checks, creating a recurring increase in expenditures for the POST Commission of \$17,280 (360 applicants x \$48 for background checks).
- The POST Commission will utilize the remaining \$10 of the \$58 fee per applicant for materials and supplies necessary to issue certification cards, creating a recurring increase in expenditures for the POST Commission of \$3,600 (360 applicants x \$10 supplies).
- The total recurring increase in POST Commission expenditures will be \$20,880 (\$17,280 + \$3,600).
- TBI will receive \$48 per application from the POST Commission to pay for costs related to conducting background checks. As a result, a recurring increase in revenue to TBI of \$17,280 (\$48 x 360), and a corresponding recurring increase in expenditures of \$17,280 for conducting the background checks.
- Sheriff offices will charge a \$6 fingerprint fee to each applicant resulting in a recurring increase in local revenue will be \$2,160 (360 applicants x \$6 fingerprint fee).

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/sbh